

H.A

**Notice of Allowability**

Application No.

09/867,697

Examiner

Kimberly D. Nguyen

Applicant(s)

LEE ET AL.

Art Unit

2876

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 May 2005.
2. ☒ The allowed claim(s) is/are 3-7 and 9-34.
3. ☒ The drawings filed on 31 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>faxed on 6/28/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                                 |
|   | 9. <input type="checkbox"/> Other _____  |

## **DETAILED ACTION**

### ***Amendment***

1. Acknowledgement is made of Amendment filed May 26, 2005.

### ***Allowable Subject Matter***

2. Claims 3-7 and 9-34 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The record of prior art fails to teach a trading card communicating with a recording and/or reproducing unit to receive messages from a subject printed on the card, the trading card including a data storage unit receiving a recording command from the recording and/or reproducing unit to record and store the subject-related data stored in the recording and/or reproducing unit from the subject; and a housing unit containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading card, and the messages are based on recorded user-related information and are built by implementing the user-related data into the subject-related data.

Yamashina teaches a trading card communicating with recording and/or reproducing units to receive messages from a subject printed on the trading card, the trading card comprising a data storage unit storing subject-related data of the subject printed on the trading card, wherein the data storage unit reproduces and transmits the subject-related data to the recording and/or reproducing units in the form of an optical or radio signal to simultaneously reproduce the subject-related data of the subject printed on the trading card in the recording and/or reproducing units.

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Moreno teaches a recording and/or reproducing units record/writing the subject-related data stored in the recording and/or reproducing units onto the trading/payment card.

Pace teaches a trading card system having a floppy disk, wherein the housing has a unique serial number to identify the floppy disk.

However, Yamashina, Moreno, and Pace, taken alone or in combination thereof, fails to specifically teach a trading card having a housing unit containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading card, and the messages are based on recorded user-related information and are built by implementing the user-related data into the subject-related data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN

June 28, 2005



**DIANE I. LEE**  
**PRIMARY EXAMINER**